

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SHERWOOD SPADY,

Plaintiff,

v.

Case No. 07-C-972

H&K PARTNERS, LLC
d/b/a KENTUCKY FRIED CHICKEN,

Defendant.

ORDER

This matter is before me on plaintiff Sherwood Spady's motion for attorney's fees pursuant to Federal Rule of Civil Procedure 54. Defendant H&K Partners, LLC, did not submit a response to the motion. Judgment was entered in favor of Spady on September 11, 2008, after a jury trial awarding him punitive damages in the amount of \$10,000.00 for being wrongfully terminated by defendant as retaliation for his harassment complaint against defendant.

Section 2000e-5(k) of Title 42, U.S. Code, affords the court discretion to award a "reasonable attorney's fee" to the party prevailing in a Title VII Civil Rights action. "A prevailing plaintiff 'should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust.'" *Dunning v. Simmons Airlines, Inc.*, 62 F.3d 863, 872 (7th Cir. 1995) (quoting S.Rep. No. 94-1011, p. 4 (1976)). The Seventh Circuit has noted that "in civil rights and discrimination litigation, district court judges have wide discretion in fashioning reasonable attorney's fees." *Alexander v. Gerhardt Enterprises, Inc.*, 40 F.3d 187, 194 (7th Cir. 1994) (citation omitted).

Spady is seeking attorney's fees for 57.10 hours, at a billable rate of \$150 per hour, for a total of \$8,565.00. Defendant has not challenged Spady's request. Given the nature of this case, including the fact it was a jury trial, the amount requested is a reasonable fee. As the attorney's fees requested is reasonable, Spady's motion is **GRANTED**.

IT IS THEREFORE ORDERED that the Clerk will amend the Judgment to indicate that Defendant is liable to Spady for attorney's fees in the amount of \$8,565.00.

Dated this 31st day of October, 2008.

s/ William C. Griesbach

WILLIAM C. GRIESBACH
United States District Judge